



Legislation Details (With Text)

**File #:** 38-17      **Version:** 2      **Name:**

**Type:** Ordinance      **Status:** Passed

**File created:** 8/10/2017      **In control:** City Council

**On agenda:** 10/12/2017      **Final action:** 10/12/2017

**Enactment date:** 10/19/2017      **Enactment #:** 28-17

**Title:** PROPOSED ORDINANCE NO. 38-17 VACATION OF RIGHT-OF-WAY - 1000 BLOCK OF EAST AVERY STREET

**Sponsors:** Ashton J. Hayward, III

**Indexes:**

**Code sections:**

**Attachments:** 1. CORRECTED TO INCLUDE LEGAL DESCRIPTION: P.O. 38-17, 2. Proposed Ordinance No. 38-17, 3. Vacation of Right of Way Application, dated April 21, 2017, 4. Vicinity Map of Avery Street Right-of-Way Request, dated August 2017, 5. August 8, 2017 Planning Board Minutes, 6. Highlighted Section of June 13, 2017 Planning Board Minutes, 7. Signed Petition, Avery Street Right of Way Request, dated June 27, 2017

Date	Ver.	Action By	Action	Result
10/12/2017	2	City Council	Adopted as Amended	Pass
10/9/2017	2	Agenda Conference	Placed on Regular Agenda	Pass
9/14/2017	1	City Council	Passed on first reading	Pass
9/11/2017	1	Agenda Conference	Placed on Regular Agenda	Pass

**LEGISLATIVE ACTION ITEM**

**SPONSOR:** Ashton J. Hayward, III, Mayor

**SUBJECT:**

PROPOSED ORDINANCE NO. 38-17 VACATION OF RIGHT-OF-WAY - 1000 BLOCK OF EAST AVERY STREET

**RECOMMENDATION:**

That City Council adopt Proposed Ordinance No. 38-17 on second reading.

AN ORDINANCE CLOSING, ABANDONING AND VACATING A PORTION OF THE AVERY STREET RIGHT OF WAY; IN PENSACOLA, ESCAMBIA COUNTY, STATE OF FLORIDA; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

**HEARING REQUIRED:** No Hearing Required

**SUMMARY:**

The City has received a request from Dax Campbell, Campbell Construction, to vacate a portion of the Avery Street right of way, which is adjacent to his property located at 1011 Fairnie Avenue. The applicant has indicated that the purpose for the request is to allow for him to have a more even property line and install a privacy fence along the new rear property line. The applicant provided signed documentation and a survey indicating the agreement of the other affected property owners.

On August 8, 2017, the City's Planning Board unanimously recommended approval of the request.

**PRIOR ACTION:**

September 14, 2017 - City Council voted to approve Ordinance No. 38-17 on first reading.

**FUNDING:**

N/A

**FINANCIAL IMPACT:**

None

**CITY ATTORNEY REVIEW:** Yes

8/17/2017

**STAFF CONTACT:**

Eric W. Olson, City Administrator  
Sherry Morris, AICP, Planning Services Administrator

**ATTACHMENTS:**

- 1) Proposed Ordinance No. 38-17
- 2) Vacation of Right-of-Way Application, dated April 21, 2017
- 3) Vicinity Map of Avery Street Right-of-Way Request, dated August 2017
- 4) August 8, 2017 Planning Board Minutes
- 5) Highlighted Section of June 13, 2017 Planning Board Minutes
- 6) Signed Petition, Avery Street Right-of-Way Request, dated June 27, 2017

**PRESENTATION:** No